IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

STANLEY HOLLAND,)
Plaintiff,))
v.) Case No. 06-0275-CV-W-NKL
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
Defendant.)

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

Pending before the Court is Stanley Holland's ("Holland") Motion to Proceed *In Forma Pauperis* [Doc. # 1]. For the reasons set forth below, the Court denies Holland's Motion.

Pursuant to 28 U.S.C. § 1915(a), this Court may authorize commencement of a suit without prepayment of fees. Under 28 U.S.C. § 1915(a), the district court follows a two-step process in considering whether the applicant should be permitted to proceed *in forma pauperis*. First, the Court must determine whether the applicant qualifies by economic status under section 1915(a). *Martin-Trigona v. Stewart*, 691 F.2d 856, 857 (8th Cir. 1982). Second, the Court must determine whether the cause of action stated in the complaint is frivolous or malicious within the meaning of section 1915(d). *Id*.

Holland has provided this Court with an affidavit regarding his inability to prepay fees and costs. While it appears Holland's financial status would allow him to proceed *in*

forma pauperis, his affidavit is not notarized by a notary public, which is needed to show

that Holland was in fact under oath. Because Holland has failed to submit a sufficient

affidavit, the first prong of the Martin-Trigona analysis has not been satisfied.

Accordingly, it is hereby

ORDERED that Holland's Motion to Proceed In Forma Pauperis [Doc. # 1] is

DENIED without prejudice.

s/ Nanette K. Laughrey

NANETTE K. LAUGHREY

United States District Court

DATE: April 24, 2006

Kansas City, Missouri